

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 FOURTH DIVISION

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5 United States of America,  
6 Plaintiff,

7 and

8 State of Minnesota, by its  
9 Attorney General Warren Spannaus,  
10 its Department of Health, and  
11 its Pollution Control Agency,

12 Plaintiff-Intervenor,  
13 vs.

14 Reilly Tar & Chemical Corporation;  
15 Housing and Redevelopment authority  
16 of Saint Louis Park; Oak Park  
17 Village Associates; Rustic Oaks  
18 Condominium Incorporated; and  
19 Philip's Investment Company,  
20 Defendants.

Civil No.  
4-80-469

21 and

22 City of Saint Louis Park,

23 Plaintiff-Intervenor,  
24 vs.

25 Reilly Tar and Chemical Corporation,  
Defendant.

and

City of Hopkins,

Plaintiff-Intervenor,  
vs.

Reilly Tar & Chemical Corporation,  
Defendant.

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21 The Deposition of GARY R. MACOMBER, taken  
22 pursuant to Notice of Taking Deposition, taken before  
23 Kirby A. Kennedy, a Notary Public in and for the County  
24 of Hennepin, State of Minnesota, taken on the 21st day  
25 of April 1983, at 2000 First Bank Place East  
Minneapolis, Minnesota, commencing at approximately  
9:30 o'clock a.m.

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APPEARANCES

DENNIS M. COYNE, ESQUIRE, and STEPHEN SHAKMAN, ESQUIRE, Special Assistant Attorneys General, 1935 West County Road B2, Roseville, Minnesota 55113, appeared for and on behalf of Plaintiff-Intervenor, State of Minnesota.

WAYNE G. POPHAM, ESQUIRE, of the law firm of POPHAM, HAIK, SCHNOBRICH, KAUFMAN and DOTY, LIMITED, 4344 IDS Center, Minneapolis, Minnesota 55402, appeared for and on behalf of Plaintiff-Intervenor, City of Saint Louis Park.

EDWARD J. SCHWARTZBAUER, ESQUIRE, of the law firm of DORSEY and WHITNEY, 2200 First Bank Place East, Minneapolis, Minnesota 55402, appeared for and on behalf of Defendant, Reilly Tar and Chemical Corporation.

THOMAS E. REIERSGORD, ESQUIRE, of the firm of YNGVE & REIERSGORD, Attorneys at Law, 6250 Wayzata Boulevard, Minneapolis, Minnesota 55416, appeared for and on behalf of Defendant, Reilly Tar and Chemical Corporation.

JOSEPH C. VESELY, ESQUIRE, of the firm of VESELY, OTTO, MILLER & KEEFE, Attorneys at Law, Suite 203, Northwestern Bank Building, Hopkins, Minnesota 55343, appeared for and on behalf of Plaintiff-Intervenor, City of Hopkins.

ALSO PRESENT:

Rolfe Worden

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GARY R. MACOMBER,

the Witness in the above-entitled  
matter after having been first duly  
sworn deposes and says as follows:

CROSS-EXAMINATION

BY MR. SCHWARTZBAUER:

Q. Give your name and your home address and your  
business address, please.

A. My name is Gary Macomber, 112 Hawthorne Road,  
Hopkins, Minnesota. Business address is 4344 IDS  
Center, Minneapolis.

Q. Are you a lawyer, Mr. Macomber?

A. Yes, I am.

Q. With what firm do you practice?

A. I am a member of the firm of Popham, Haik,  
Schnobrich, Kaufman & Doty.

Q. Is that the firm that represents Saint Louis  
Park in this lawsuit?

A. Yes, it is.

Q. When did you become a member of that firm?

A. I joined the firm in the summer of 1970.

Q. What was your education?

A. I had finished law school in June of 1970,  
joined the firm immediately after completing the bar

1 examination. I have a B.A. from Macalester College in  
2 1965.

3 Q. I am not going to ask you, Gary, about the  
4 contents of any conversations that you had with your  
5 client, Saint Louis Park, which you consider to be  
6 confidential and which were intended to be confidential.  
7 I don't intend to ask you any questions about things  
8 that occurred after April 11, 1978, which is the date  
9 that the complaint in this action was amended in order  
10 to in effect reinstate this lawsuit. But I am going to  
11 ask you about things that occurred back in the 1970's.  
12 Can you remember at what time you first began to  
13 perform services in connection with the Reilly Tar  
14 matter?

15 A. I started to work on the Reilly matter  
16 shortly after I joined the firm, and that would have  
17 been probably in August or early September of 1970.

18 Q. Between that time and prior to April 11, 1978,  
19 would you please tell us in general terms what kinds of  
20 things that you did relative to the Reilly Tar matter?

21 A. During the late summer and early fall of 1970  
22 I worked on preparation of the complaint, which was  
23 later filed in October of 1970. I assisted Mr. Popham  
24 in that regard. After the complaint was filed my  
25 primary focus was with respect to the air pollution

1 issues in that case. My tasks included --

2 MR. POPHAM: Excuse me, Mr. Macomber. I  
3 think your description of your duties here has to be in  
4 general terms as against specific details that would  
5 get into work product. What I would suggest that you  
6 do is give your answer in what I think Mr.  
7 Schwartzbauer is looking for general terms. If he  
8 wants to go beyond that he can then ask more specific  
9 questions and then I will have an opportunity to  
10 determine whether I think that gets into work product  
11 and then I can make specific objections.

12 THE WITNESS: Okay.

13 BY MR. SCHWARTZBAUER:

14 Q. I am asking you about general aspects of the  
15 Reilly Tar matter that you worked on.

16 A. I worked on the air pollution issues in that  
17 case and that was the primary extent of my involvement.

18 Q. When did you cease performing services on the  
19 Reilly Tar matter, if ever?

20 A. I have no specific recollection of a precise  
21 date or even a month, but sometime shortly after the  
22 company announced its intention to close. It is my  
23 recollection that no additional significant work was  
24 performed.

25 Q. Were you involved in subsequent negotiations

1 with the Pollution Control Agency? By "subsequent" I  
2 mean subsequent to the time that the company closed its  
3 plant.

4 A. With --

5 Q. With the Pollution Control Agency.

6 A. With regard to what matter?

7 Q. With regard to Reilly.

8 A. With regard to what?

9 Q. Well, any aspects of the Reilly matter. I am  
10 asking whether between the time that the company closed  
11 its plant in 1976 you were involved in any negotiations  
12 with the Pollution Control Agency with respect to the  
13 Reilly matter?

14 A. No.

15 Q. You indicated that you helped Mr. Popham  
16 prepare the complaint. Before doing that did you  
17 review any documents?

18 MR. POPHAM: I think that would be  
19 objected to as work product.

20 MR. SCHWARTZBAUER: I just want a yes or  
21 no. Are you objecting anyway?

22 MR. POPHAM: I suppose I wouldn't object  
23 to the question of whether he reviewed documents as  
24 distinguished from specific documents, no, I would not  
25 object to that.

1 A. I don't recall.

2 Q. Let me ask you this. In preparing for this  
3 deposition here today did you review any documents,  
4 Gary?

5 A. Yes, I did.

6 Q. Can you tell me what you reviewed?

7 A. I reviewed a letter from me to Mr. Reiersgord  
8 dated sometime in July of 1971 with respect to striking  
9 the matter from the trial calendar. I reviewed a  
10 letter to the assignment clerk of approximately the  
11 same date requesting that the matter be stricken. I  
12 reviewed a letter from me to an official at HUD dated  
13 in the fall of 1972. And I reviewed two sets of  
14 minutes from Environmental Quality Board meetings which  
15 occurred sometime in 1976.

16 MR. SCHWARTZBAUER: Wayne, have all  
17 those been produced to us?

18 MR. POPHAM: I am sure that the letters  
19 involving the calendar status have all been deposition  
20 exhibits. The letter to HUD, I don't immediately  
21 recall what that document is so I can't say for certain,  
22 but I assume there must have been because we intended  
23 to have witnesses not look at any privileged documents  
24 so if you were to find that it hadn't been it would be  
25 our understanding that it had been.

1 MR. SCHWARTZBAUER: How about the  
2 Environmental Quality Board minutes, do you know  
3 whether those are minutes that have been produced to us?

4 MR. POPHAM: I couldn't say offhand  
5 because I wouldn't probably know, you know, what State  
6 documents have been produced.

7 MR. SCHWARTZBAUER: Okay.

8 MR. POPHAM: I might just say too for  
9 your information, that was a proceeding that involved  
10 development activities at Oak Park Village and I don't  
11 think has anything to do with, you know, reinstitution  
12 of the lawsuit.

13 MR. SCHWARTZBAUER: Okay. I remember  
14 that documents relating to Oak Park Village and to the  
15 Environmental Quality Board were produced, but I would  
16 just like to ask whether at a recess you could  
17 specifically identify those for me so I can find out  
18 whether those have been produced to me or not, and if  
19 they haven't then I would ask you to bring them over.  
20 BY MR. SCHWARTZBAUER:

21 Q. Previously in this case we have marked a  
22 document as Reilly Tar Exhibit Number 3, which is a  
23 report from Eugene A. Hickok and Associates in  
24 September of 1969. I would like to ask you whether or  
25 not you saw that before working on the complaint in



1 this matter?

2 MR. POPHAM: I think that I would object  
3 to the question of what specific things the witness did  
4 in connection with his work on the suit.

5 MR. SCHWARTZBAUER: I had intended to  
6 ask him also about whether he had reviewed Reilly Tar  
7 Exhibit 5, which was the Pollution Control Agency memo  
8 of April 22, 1970, and Reilly Tar Exhibit 6 which is  
9 the Pollution Control Agency memo dated just April 1970.  
10 Same objection?

11 MR. POPHAM: That would be the same  
12 objection.

13 BY MR. SCHWARTZBAUER:

14 Q. I am handing you a copy of Reilly Tar Exhibit  
15 Number 3, which has previously been identified as a  
16 copy of the summons and the complaint in the action  
17 commenced in 1970 by the State of Minnesota and the  
18 City of Saint Louis Park against Reilly Tar and  
19 Chemical Corporation. Is that the complaint that you  
20 worked on?

21 A. Yes, it is.

22 Q. Now, what persons provided you with  
23 information to assist you in drafting that?

24 MR. POPHAM: That would be objected to.

25 MR. SCHWARTZBAUER: When you object on

1 the grounds of work product, Wayne, are you also  
2 instructing the witness not to answer the question?

3 MR. POPHAM: Yes, that is true.

4 BY MR. SCHWARTZBAUER:

5 Q. Gary, directing your attention to Page 2 and  
6 paragraph Roman Numeral VII, that paragraph alleges  
7 among other things as follows: "Defendant through the  
8 conduct of the afore said business activities is  
9 presently, and has been in the past, polluting the  
10 waters of the State of Minnesota in violation of law,"  
11 et cetera. At the time that you drafted that did you  
12 understand the statutory definition of the term "waters  
13 of the State"?

14 MR. POPHAM: That would be objected to  
15 as calling for work product.

16 BY MR. SCHWARTZBAUER:

17 Q. At the time you drafted that had you seen the  
18 files of Saint Louis Park or the Pollution Control  
19 Agency regarding alleged groundwater pollution?

20 MR. POPHAM: Same objection.

21 BY MR. SCHWARTZBAUER:

22 Q. I am showing you a copy of Reilly Tar Exhibit  
23 13, which is a letter from Robert J. Lindall to John  
24 Romlin the assignment clerk. Do you recognize that as  
25 such?

1           A.    Do I recognize it as what, Ed, whether it's a  
2 letter from Lindall to the assignment clerk?

3           Q.    Right.

4           A.    It appears to be.

5           Q.    I notice at the bottom of Exhibit 13 it  
6 indicates a copy was sent to Wayne Popham. Do you know  
7 if your office received a copy of this?

8           A.    I do not know.

9           Q.    Did you review that exhibit in preparation  
10 for your deposition?

11          A.    No.

12          Q.    I am handing you a copy of Reilly Tar Exhibit  
13 Number 14, do you recognize that?

14          A.    It's a letter from me to Bob Lindall.

15          Q.    Is that your signature?

16          A.    Yes, it is.

17          Q.    The first line reads in part, "In light of  
18 your recent telephone call." Did you have a telephone  
19 conversation with Bob Lindall at about this time, Gary?

20                   MR. COYNE: I would like to object, as  
21 we did in the course of the examination of Bob Lindall,  
22 to the inclusion of this letter among the Deposition  
23 Exhibits and to examination with regard to this  
24 document which from the State's prospective is a  
25 privileged communication between counsel for

1 co-plaintiffs.

2 MR. POPHAM: I have the same objection.

3 MR. SCHWARTZBAUER: Well, it would be my  
4 intention to ask him who called who and what was said.  
5 Would you have the same objection?

6 MR. POPHAM: No objection to asking if a  
7 conversation took place.

8 MR. SCHWARTZBAUER: You were repeating  
9 the objection to using the document?

10 MR. POPHAM: To the document itself,  
11 preserving that objection.

12 BY MR. SCHWARTZBAUER:

13 Q. Did you have a conversation with Lindall  
14 about this time?

15 A. I assume I did, Ed. I don't presently recall.

16 Q. Then you don't know who called who?

17 A. I do not.

18 Q. Do you remember anything about the substance  
19 of the conversation?

20 A. No.

21 Q. Reading on in the letter it says, "We  
22 discussed this matter with Chris and Harvey and learned  
23 that the appraiser's report is due this week." Who is  
24 Chris?

25 A. That would be Chris Cherchs.

1 Q. And he was who?

2 A. City Manager of the City of Saint Louis Park.

3 Q. Who is Harvey?

4 A. Harvey McFee.

5 Q. Who is he?

6 A. Sanitation director, public health director,  
7 City of Saint Louis Park.

8 Q. As I indicated, the letter says that you  
9 learned that the appraiser's report is due this week.  
10 What were you referring to there?

11 MR. POPHAM: I would object to that as  
12 calling for work product and attorney-client privilege.  
13 BY MR. SCHWARTZBAUER:

14 Q. Gary, what was the relevance of the  
15 appraiser's report to your conversation with Lindall?

16 MR. POPHAM: Same objection.  
17 BY MR. SCHWARTZBAUER:

18 Q. Who made this appraisal?

19 MR. POPHAM: Same objection.  
20 BY MR. SCHWARTZBAUER:

21 Q. Reading on in the letter it says "As soon as  
22 that is in Chris intends to recontact the Reilly Tar  
23 people and determine their reaction to that appraisal  
24 price. That meeting should occur during the week of  
25 July 19. After that is accomplished we will be in a

1 position to make a decision as to the certificate of  
2 readiness." How would that meeting help in making a  
3 decision with respect to the certificate of readiness?

4 MR. POPHAM: Same objection.

5 BY MR. SCHWARTZBAUER:

6 Q. At about that time did you tell Lindall that  
7 the sale that was being negotiated between Saint Louis  
8 Park and Reilly was a proposed means of settling the  
9 lawsuit?

10 MR. POPHAM: Same objection.

11 BY MR. SCHWARTZBAUER:

12 Q. Next I am going to hand you a copy of Reilly  
13 Tar Exhibit 15. For the record, that's previously been  
14 identified as a copy of a letter from Mr. Reiersgord to  
15 Mr. Lindall dated July 23, 1971. Again, I notice that  
16 on the second page at the bottom it indicates a copy to  
17 Wayne Popham. Did your office get a copy of this  
18 letter?

19 A. I don't know.

20 Q. Did you review this in preparing for your  
21 deposition?

22 A. I did not.

23 Q. Do you have any recollection of having seen a  
24 copy of this at about the time it was written?

25 A. I have no such recollection, Ed no.

1 Q. Next I have handed you a copy of Reilly Tar  
2 Exhibit Number 16. Can you identify that for us,  
3 please?

4 A. It's a letter from me to Mr. Peiersgord.

5 Q. Is that your signature?

6 A. Yes, it is. Well, it appears to be a copy of  
7 one of the copies of that letter. I assume I would  
8 have signed the original.

9 Q. Those are your initials on this copy?

10 A. Those are my initials.

11 Q. The letter states from the first paragraph,  
12 "Lindell and I have discussed your letter of July 23,  
13 1971 with the Pollution Control Agency and with the  
14 City of Saint Louis Park." I just think we should keep  
15 in mind that the exhibit that I just showed you was Mr.  
16 Reiersgord's letter of July 23, 1971. What was the  
17 substance of your conversation with Lindall?

18 MR. POPHAM: Same objection.

19 MR. COYNE: I would join in that  
20 objection.

21 BY MR. SCHWARTZBAUER:

22 Q. Let's proceed through the letter a little bit  
23 together. You say to Mr. Reiersgord, "We will ask the  
24 clerk to strike the above-captioned case subject to  
25 reinstatement of the request of any counsel at any time.

1 We are taking this action with the expectation that a  
2 mutually acceptable agreement will be negotiated  
3 between the City and the company for the purchase of  
4 the company's property. We fully suspect the company  
5 to cease its refining operations by September 1, 1971  
6 and to solve its present surface water runoff problem.  
7 Should the City and the company fail to reach agreement  
8 in the pending negotiations the City will reinstate the  
9 matter on the trial calendar." Cary, was it your  
10 further understanding if the City and the company did  
11 reach agreement that the case would not then be reinstated

12 MR. POPHAM: Same objection.

13 BY MR. SCHWARTZBAUER:

14 Q. I am next handing you a copy of Reilly Tar  
15 Exhibit Number 17. Can you tell us what that is?

16 A. That's a letter from me to the assignment  
17 clerk.

18 Q. And that does bear your signature?

19 A. It does.

20 Q. It says in the second paragraph, "I hereby  
21 request that the above case be stricken subject to  
22 reinstatement by any counsel at any time. I have  
23 discussed this matter with Thomas E. Reiersgord,  
24 Esquire, attorney for the defendant, and he is in  
25 agreement with this request." Did you in fact discuss



1 that with Reiersgord?

2 A. I am sure I did.

3 Q. Tell us what you said to him and what he said  
4 to you?

5 A. I have no recollection at this time of the  
6 substance of that conversation, Ed. I am sure we had  
7 it otherwise I would not have put it in the letter.

8 Q. Did you tell Tom Reiersgord that you had also  
9 discussed this with Bob Lindall?

10 A. I have no recollection of the conversation  
11 with Tom.

12 Q. Well, okay. I don't mean to be repetitious  
13 but I want to ask you whether you, in that conversation  
14 or any other conversation that you had with Tom at  
15 about that time, told Tom that the State was willing to  
16 go along with the sale as a means of settling the  
17 lawsuit in substance?

18 A. I have no recollection of that.

19 Q. I have handed you Reilly Tar Exhibit Number  
20 19, can you identify that for us?

21 A. It appears to be a letter from me to Bob  
22 Lindall.

23 Q. Did you see that in your files when you were  
24 preparing for the deposition?

25 A. I have not reviewed this.

1 Q. Can you tell us whether in fact that is a  
2 copy of a letter that you wrote to Bob Lindall?

3 MR COYNE: Ed, I would like to make the  
4 same objection that we did in the course of the  
5 deposition of 1 Lindall, that this document was  
6 apparently inadvertently produced in our view and is  
7 not subject to examination and inclusion in this record.

8 MR. POPHAM: We concur.

9 MR. SCHWARTZBAUER: Are you also  
10 instructing him not to answer questions about it?

11 MR. POPHAM: Being the letter refers to  
12 a conversation, I will have no objection to the witness  
13 being asked questions relating to the identification of  
14 such conversation, date, place and so on and the  
15 substance of the conversation.

16 MR. SCHWARTZBAUER: Right now I am  
17 looking at Exhibit 19, Wayne, but that one does not  
18 refer to a conversation. Oh, yes, it does, I am sorry.  
19 It says, "Enclosed are correspondence of prior  
20 telephone conversation."

21 BY MR. SCHWARTZBAUER:

22 Q. Gary, what did you send to Lindall at that  
23 time?

24 A. I don't remember.

25 Q. Did you at about that time, whether with this

1 letter or some other, send him a copy of any offers  
2 with respect to the proposed sale of the property by  
3 Reilly to the City? Did you send him a copy of any  
4 offers?

5 A. I have no recollection of whether I did or  
6 not, Ed.

7 Q. Let me ask you about the telephone  
8 conversation. What was said in that?

9 A. I have no recollection of the phone  
10 conversation.

11 Q. I am going to show you next a copy of Reilly  
12 Tar Exhibit Number 20, that appears to be a memorandum  
13 from Lindall to Grant Merritt, Ed Wiik and C. A.  
14 Johannes at the Pollution Control Agency. I realize  
15 you were not copied on it but could you take a minute  
16 to look at it, please?

17 A. Okay. I have reviewed it.

18 Q. I would just like to focus my questions upon  
19 the last sentence in the first paragraph which reads, "In  
20 any event, the City of Saint Louis Park will probably  
21 not dismiss its action for some time due to a property  
22 damage claim against the company, which the City is  
23 holding in abeyance." Do you know what that refers to?

24 MR COYNE: As we earlier state in the  
25 course of the examination of Mr. Lindall, we object to

1 the inclusion of this document and examination  
2 pertaining to this document on the basis of attorney  
3 work product.

4 MR. POPHAM: We would have a work  
5 product objection to the question that is before the  
6 witness.

7 MR. SCHWARTZBAUER: Okay.

8 BY MR. SCHWARTZBAUER:

9 Q. I am handing you Reilly Tar Exhibit 31. Do  
10 you recognize that?

11 A. Yes, I do.

12 Q. Did you have anything to do with the -- tell  
13 us what it is, first?

14 A. It is the agreement for the purchase of the  
15 Reilly property by the City of Saint Louis Park.

16 Q. Did you have anything to do with the  
17 preparation of that?

18 A. I did not.

19 Q. Who did, do you know?

20 A. Mr. Worden in our office.

21 Q. Did you have any conversations or any other  
22 communications with anybody from Reilly in connection  
23 with the entering into this agreement?

24 A. I have no present recollection whether I had  
25 such discussions or not, Ed.

1 Q. It appears that on or about October 12, 1972  
2 Reilly Tar and the City of Saint Louis Park entered  
3 into a contract for deed for the sale of the Reilly  
4 property. Did you play any part in the preparation of  
5 that document?

6 A. Not to my recollection, Ed, I did not.

7 Q. With respect to that did you have any  
8 conversations with any representatives of Reilly  
9 relating to the entering into of that contract for deed?

10 A. I have no recollection of such conversations.

11 Q. Now, earlier when I asked you about things  
12 that you reviewed in connection with preparing for your  
13 deposition you mentioned a number of things including  
14 some minutes from Environmental Quality Board hearings  
15 which occurred in 1976. Did you participate in those  
16 hearings?

17 A. I represented the City of Saint Louis Park.

18 Q. And those were hearings relative to the Oak  
19 Park Village development which is a development which  
20 has been constructed on the former Reilly property?

21 A. That's correct.

22 Q. Who were the parties to that proceeding? Who  
23 were the parties?

24 A. As I recall the scope of the representation  
25 of the City was with respect to the environmental

1 assessment, which had been prepared and submitted to  
2 the Environmental Quality Board for approval. So the  
3 parties, as I recall, would have been the MEQB and the  
4 City of Saint Louis Park.

5 Q. Did the Pollution Control Agency participate  
6 in those proceedings?

7 A. I don't remember if they did or not. They  
8 may have.

9 MR. SHAKMAN: I would note just for  
10 clarification that the director of the Pollution  
11 Control Agency sits as one of the members of the MEQB.

12 MR. SCHWARTZBAUER: That's all I have,  
13 with the exception that, as I said earlier, it is  
14 Reilly's intention to make a motion to seek to compel  
15 answers to the questions that have not been answered.  
16 It is my understanding that whenever Mr. Popham has  
17 objected to the question on the grounds of work product  
18 or privilege that he was instructing the witness not to  
19 answer and so we may be resuming this deposition in  
20 order to pursue those questions further, but with that  
21 exception I have nothing further.

22 MR. POPHAM: The witness will read and  
23 sign the deposition.

24

25

1 STATE OF MINNESOTA )  
2 ) ss.  
3 COUNTY OF HENNEPIN)

4 Be it known that I took the deposition of GARY F.  
5 MACOMBER, on the 21st day of April 1983 at Minneapolis,  
6 Minnesota;

7 That I was then and there a Notary Public in and  
8 for the County of Hennepin State of Minnesota, and that  
9 by virtue thereby I was duly authorized to administer  
10 an oath;

11 That the witness before testifying was by me first  
12 duly sworn to testify the whole truth and nothing but  
13 the truth relative to said cause;

14 That the testimony of said witness was recorded in  
15 Stenotype by myself and transcribed into typewriting  
16 under my direction; and that the deposition is a true  
17 record of the testimony given by the witness to the  
18 best of my ability;

19 That I am not interested in the outcome of the  
20 action;

21 That the reading and signing of the deposition by  
22 the witness was executed as evidenced by the preceding  
23 page;

24 That Notice of Filing was waived.

25 WITNESS MY HAND AND SEAL this 21st day of April  
1983.

-----  
Kirby A. Kennedy

Court Reporter